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**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MPA/168877

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 18, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on October 08, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the Department correctly denied the petitioner's prior authorization request for an MRI of her knee.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Jose Silvestre

Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner is a resident of Milwaukee County.
2. The petitioner's provider submitted a prior authorization request for an MRI of the petitioner's knee.

3. On August 10, 2015 the Department sent the petitioner a notice stating that they denied the prior authorization request. The Department denied the request because there was no clinical information provided showing that the petitioner participated in a physician supervised 6 week trial of conservative treatment, which was unsuccessful.
4. On September 21, 2015 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.

### **DISCUSSION**

Advanced imaging services done in an outpatient hospital setting or in a non-hospital setting require prior authorization. Wis. Adm. Code § 107.02(3); Forward Health Update October, 2010 No 2010-92. The purpose of requiring a prior authorization for these services is to reduce redundancy of tests, prevent administration of unnecessary test, ensure the medical necessity of tests, minimize member exposure to radiation, and apply national clinical guidelines for imaging services. *Id.*

To get an MRI authorized, the prior authorization request must show that a recent physical exam has been completed with x-rays, and that there has been a 6 week period of physician supervised conservative treatment that has been unsuccessful. Conservative treatment may include R.I.C.E. (rest, ice, compression, and elevation), NSAIDs (non-steroidal anti-inflammatory drugs), narcotic and nonnarcotic analgesia medications, oral or injectable corticosteroids, viscosupplementation injections,; a physician directed home exercise program, cross training, and/or physical medicine, or immobilization by splinting/casting/bracing. See Musculoskeletal Imaging Guidelines attached to Exhibit 3.

In this case the petitioner has not met the recent physical exam with x-rays requirement or the six weeks of physician supervised conservative treatment requirement. The petitioner's last x-ray was from eight months ago. The petitioner previously started six weeks of physician supervised conservative treatment in December of 2014. However, there is no documentation that the petitioner ever followed through with the conservative treatment as her next visit was in August of 2015. Thus, the Department's denial was correct.

If the petitioner obtains a recent physical exam with x-rays and follows through on six weeks of physician supervised conservative treatment, which fails, the provider may submit a new prior authorization request for an MRI.

### **CONCLUSIONS OF LAW**

The Department correctly denied the petitioner's prior authorization request for an MRI of her knee.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and

why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

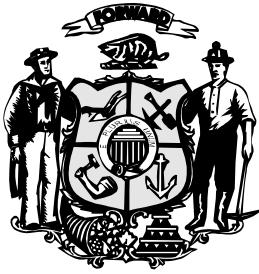
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 9th day of October, 2015

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\sCorinne Balter  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on October 9, 2015.

Division of Health Care Access and Accountability